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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,181	07/16/2003	William C. Gustafson	ISOT-010	2232
65215 7590 07/16/2009 NEUSTEL LAW OFFICES, LTD. 2534 SOUTH UNIVERSITY DRIVE SUITE 4 FARGO, ND 58103				
EXAMINER KASENGE, CHARLES R				
ART UNIT 2121		PAPER NUMBER		
NOTIFICATION DATE 07/16/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MICHAEL@NEUSTEL.COM
JERICKA@NEUSTEL.COM
ANNIE@NEUSTEL.COM

Office Action Summary

Application No.

10/622,181

Applicant(s)

GUSTAFSON ET AL.

Examiner

CHARLES R. KASENGE

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22 is/are allowed.
- 6) ☒ Claim(s) 8, 9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 4/22/09, with respect to the rejection(s) of claim(s) 17-22 under 35 U.S.C. 102(b) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn.

2. Applicant's arguments filed 4/22/09, with respect to claims 8, 9 and 11-13 have been fully considered but they are not persuasive. The Applicant contends that McClocklin does not disclose each and every element of the claimed invention. The Examiner respectfully disagrees. Regarding claim 8, McClocklin discloses a method of operating a plurality of valves in a spray chamber, said method comprising the steps of: determining fluid presence at one or more of said valves (col. 1 and 2, lines 56-3; col. 3, lines 26-37, wherein determining that a certain level of reduced fluid pressure is reached indicates a fluid presence at the valve); opening one or more of said valves that have fluid present (col. 3, lines 26-43, wherein the valve is opened when fluid is present); activating a pump fluidly connected to said valves (col. 3, lines 2-3); and determining if a state change (free fluid flow) is required (wherein the state change is determined by the "certain level" being reached) of any of said valves and executing said state changes if at least two valves are open (col. 1 and 2, lines 56-3, wherein free fluid flow is executed when the first and second valve is open).

Regarding claim 9, McClocklin discloses the method of operating a plurality of valves in a spray chamber of Claim 8, including the step of executing a one valve open recovery routine when if a state change is required to open a second valve and only a first valve is currently open

(col. 1 and 2, lines 56-3, wherein the state change is determined by the “certain level” being reached and subsequently the second valve is opened).

Regarding claim 11, McClocklin discloses the method of operating a plurality of valves in a spray chamber of Claim 8, including the step of performing a routine valve scheduler routine (force multiplying leverage system) upon said valves for maintaining said valves in their respective desired state (col. 5, lines 16-25).

Regarding claim 12, McClocklin discloses the method of operating a plurality of valves in a spray chamber of Claim 11, wherein said routine valve scheduler routine is comprised of the steps of: (a) energizing a first valve to an appropriate state; and (b) repeating step (a) for a next valve (col. 1 and 2, lines 56-3).

Regarding claim 13, McClocklin discloses the method of operating a plurality of valves in a spray chamber of Claim 11, wherein said routine valve scheduler routine is comprised of the steps of: (a) energizing a first valve to an appropriate state; and (b) repeating step (a) for a next valve after a time period (col. 1 and 2, lines 56-3, wherein the time period is the inherent time/delay from when the first valve is opened to when the certain level of reduced fluid pressure is reached). For at least these reasons, the rejection of the claims is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by McClocklin et al. U.S. Patent 4,073,315.

Regarding claim 8, McClocklin discloses a method of operating a plurality of valves in a spray chamber, said method comprising the steps of: determining fluid presence at one or more of said valves (col. 1 and 2, lines 56-3; col. 3, lines 26-37, wherein determining that a certain level of reduced fluid pressure is reached indicates a fluid presence at the valve); opening one or more of said valves that have fluid present (col. 3, lines 26-43, wherein the valve is opened when fluid is present); activating a pump fluidly connected to said valves (col. 3, lines 2-3); and determining if a state change (free fluid flow) is required (wherein the state change is determined by the “certain level” being reached) of any of said valves and executing said state changes if at least two valves are open (col. 1 and 2, lines 56-3, wherein free fluid flow is executed when the first and second valve is open).

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Allowable Subject Matter

5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Charles R Kasenge/

Examiner, Art Unit 2121

/Ramesh B. Patel/

Primary Examiner, Art Unit 2121